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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,035	02/07/2008	Paul Douglas	7881.19	7425

21999 7590 07/23/2009

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EXAMINER	
FRANCIS, FAYE	

ART UNIT	PAPER NUMBER
3725	

MAIL DATE	DELIVERY MODE
07/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/550,035	DOUGLAS, PAUL	
	Examiner	Art Unit	
	Faye Francis	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/21/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
(f) BACKGROUND OF THE INVENTION.
(1) Field of the Invention.
(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is indefinite since all that the applicant considers to be encompassed by the phrase "other mechanism" cannot be determined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-11 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 372,645.

GB 372,645 discloses in Figs 1-2, a jaw crusher having two jaws which define an upwardly open crushing chamber for receiving crushable material and a discharge opening between the lower ends of the jaws for discharging crushed material, the jaws being relatively movable so as to vary the size of the receiving chamber and thereby exert working and relieving actions on the crushable material and so that crushed material can be discharged via the discharge opening, and in which a rotatable elongate member 4 extends throughout at least a major part of the length L of the jaws and is located at or near to the discharge opening to exert an impact/crushing action in conjunction with the working actions of the jaws.

6. Claims 1-2 and 4-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Frank (3,687,062).

Frank discloses in Figs, a jaw crusher having two jaws which define an upwardly open crushing chamber for receiving crushable material and a discharge opening between the lower ends of the jaws for discharging crushed material, the jaws being relatively movable so as to vary the size of the receiving chamber and thereby exert working and relieving actions on the crushable material and so that crushed material can be discharged via the discharge opening, and in which a rotatable elongate member (20 and 21) extends throughout at least a major part of the length L of the jaws and is located at or near to the discharge opening to exert an impact/crushing action in conjunction with the working actions of the jaws.

7. Claims 1-2 and 4-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hodgkinson (1,620,659).

Hodgkinson discloses in Figs, a jaw crusher having two jaws which define an upwardly open crushing chamber for receiving crushable material and a discharge opening between the lower ends of the jaws for discharging crushed material, the jaws being relatively movable so as to vary the size of the receiving chamber and thereby exert working and relieving actions on the crushable material and so that crushed material can be discharged via the discharge opening, and in which a rotatable elongate member (21 and 22) extends throughout at least a major part of the length L of the jaws and is located at or near to the discharge opening to exert an impact/crushing action in conjunction with the working actions of the jaws.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 372,645.

The limitation of this claim would have been well within the scope of one skilled in the art once the basic apparatus was known and of no patentable merit.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frank.

11. The limitation of this claim would have been well within the scope of one skilled in the art once the basic apparatus was known and of no patentable merit. Additionally, please note that providing a comminuting device with a discharge roller at the outlet of the crusher to help with the discharging of the material is well known in the art and of no patentable merit.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frank.

13. The limitation of this claim would have been well within the scope of one skilled in the art once the basic apparatus was known and of no patentable merit. Additionally, please note that providing a comminuting device with a discharge roller at the outlet of the crusher to help with the discharging of the material is well known in the art and of no patentable merit.

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hodgkinson.

15. The limitation of this claim would have been well within the scope of one skilled in the art once the basic apparatus was known and of no patentable merit. Additionally, please note that providing a comminuting device with a discharge roller at the outlet of the crusher to help with the discharging of the material is well known in the art and of no patentable merit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Francis whose telephone number is 571-272-4423. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Faye Francis/
Primary Examiner
Art Unit 3725

FF